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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,329	05/30/2001	John A. Morrison	10010651-1	1189

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EXAMINER	
PATEL, NITIN C	

ART UNIT	PAPER NUMBER
2116	2

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/871,329	Applicant(s) MORRISON ET AL.	
	Examiner Nitin C. Patel	Art Unit 2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-17 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 – 17 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1 – 17 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Kang, US Patent 6,434,696.

4. As to claim 1, Kang discloses a system and method for quickly booting a computer system comprising:

a. testing [determining] for an intrusion [change] into a first [software] component [CONFIG.SYS or AUTOEXE.BAT]; and

b. configuring said first component [device] from a stored profile [by retrieving saved configuration information] if an intrusion was not detected [not changed][col. 2, lines 60 – 67, col. 3, lines 5 – 9, and lines 17 – 26, col. 4, lines 5 – 22, fig. 5].

5. As to claim 5, Kang discloses a system and method for quickly booting a computer system comprising:

a. storing [saving] a profile [configuration information] for each of a plurality of [software and hardware] components [CONFIG.SYS, AUTOEXE.BAT];

b. detecting [determining] an intrusion [change] into at least one of said plurality of components [either CONFIG.SYS or AUTOEXE.BAT];

c. discovering characteristics [configuration information] about said at least one of said plurality of components [either CONFIG.SYS or AUTOEXE.BAT][col. 2, lines 60 – 67, col. 3, lines 5 – 9, lines 17 – 26, col. 4, lines 11 – 22, fig. 5].

6. As to claim 9, Kang discloses a computer system comprising:

a. a chassis [system] intrusion [configuration change] detection [determining] system; and

b. a state machine [it is a well-known implementation technique] that configures a component of said computer system from a stored [saved] profile of said component [by retrieving configuration information] if said chassis intrusion detection system indicates that said component has not been altered [changed] and configures said component from information discovered [by loading and executing changed files] about said component [the changed files are loaded into memory and then executed to form a new boot configuration information] if said chassis intrusion detection system indicates that said

component may have been altered [if it is determined that either CONFIG.SYS or AUTOEXE.BAT was changed] [col. 4, lines 11 – 22, fig. 5].

7. As to claim 14, Kang discloses a system with program storage medium readable by computer [memory or hard disk or storage device] and method for quickly booting a computer system comprising:

a. reading an indicia that indicates whether a change may have been made to a component [it is inherent to a step of determining a change in configuration information];

b. discovering information about said component indicates a change may have been made to say component [if it is determined that either CONFIG.SYS or AUTOEXE.BAT was changed] and configuring said component based upon said discovered information [the changed files are executed to form a new boot configuration information] [col. 4, lines 13 – 16];

c. configuring said component based upon stored [saved] information [by retrieving saved boot configuration information] if said indicia indicates a change has not been made into said component [if CONFIG.SYS and AUTOEXE.BAT are not changed] [col. 4, lines 13 – 22, fig. 5].

8. As to claims 2, and 6, Kang teaches to construct a profile [boot configuration information] for said first component if an intrusion was detected [the changed files are executed to form a new boot configuration information]; and storing [saving] said profile for a first component [col. 4, lines 13 – 18].

9. As to claims 3, and 8, Kang teaches to configure a second component from information discovered about said component [by retrieving saved boot configuration information] [col. 4, lines 5 – 22].

10. As to claim 4, Kang teaches that information is discovered [retrieved] regardless of detection of an intrusion into said second component [configuration information is retrieved for the first (not changed) component is performed regardless of detection of changed into second component] [col. 4, lines 5 – 22, col. 5, lines 36 - 43].

11. As to claim 7, Kang teaches configuring a set of plurality of component [devices] using said profile [configuration information] for plurality of components [devices] wherein set of said plurality of components [software components] are not members [it is inherent to the software component for not to be a members of hardware component] of said at least one of [hardware] plurality of components [col. 4, lines 5 – 22].

12. As to claims 10, and 11, Kang teaches a chassis [system] intrusion [configuration change] detection [determining] system comprises a service processor [MICOM for controlling peripheral devices][MICOM], and switches [connection detection] coupled to said service processor [MICOM] whereby the state of at least one of said switches indicates when at least one access panel on chassis is open [not connected intact][it is inherent to computer system to detect when one of peripheral (keyboard, mouse) is open [not connected]] [col. 1, lines 21 – 22, fig.1].

13. As to claim 12, Kang discloses Kang teaches a chassis [system] intrusion [configuration change] detection [determining] system comprises a power supply [7, fig. 1], and a standby power supply [it is inherent to computer system].

14. As to claim 13, Kang teaches a state machine [it is a well-known implementation technique] to configure said component from discovered information [retrieved from saved configuration of information] when said power supply and a standby power supply are turned off [it is inherent to reboot the system] [col. 4, lines 1 – 22].

15. As to claims 15, and 16, Kang teaches a computer system wherein said indicia [interrupt] correspond to whether an access panel has been opened and to whether main and standby power has been turned off [it is inherent to computer system to have a different interrupts corresponds to occurring of different events].

16. As to claim 17, Kang discloses program storage medium wherein a main processor [1, CPU] communicates with said service processor [MICOM] to read said indicia [interrupt][fig. 1].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nitin C. Patel whose telephone number is 703-305-3994. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Brown can be reached on 703-308-1159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nitin C. Patel
May 14, 2004

LYNNE H. BROWNE
SUPERVISORY PATENT EXAMINER
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